

UNITED STATES DISTRICT COURT

for
NORTHERN DISTRICT OF TEXAS

**Request for Modifying the Conditions of Supervision
With Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Kerry Nelson Plonas Case No.: 4:02-CR-206-Y(01)

Name of Sentencing Judicial Officer: Senior U.S. District Judge Terry R. Means

Date of Original Sentence: September 29, 2003

Original Offense: Sexual Exploitation of a Child, 18 USC § 2251(a)

Original Sentence: 120 months custody, 3-year term of supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: December 16, 2013

Assistant U.S. Attorney: John Bradford Defense Attorney: Cynthia Henley (Retained)

Petitioning The Court As Follows:

To add to the conditions of supervision with the consent of the offender as follows:

The defendant shall comply with the rules and regulations of the Computer Monitoring Program. The defendant shall pay the cost of the Computer Monitoring Program, in an amount not to exceed \$32 per month per device connected to the internet.

The defendant shall submit his/her person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and his/her effects to search at any time, with or without a warrant, by any law enforcement or Probation Officer with reasonable suspicion concerning a violation of a condition of probation/supervised release or unlawful conduct by the defendant, and by any Probation Officer in the lawful discharge of the officer's supervision functions.

Cause

Mr. Plonas released from the custody of the Federal Bureau of Prisons on February 23, 2012, and began serving a state sentence with the Texas Department of Criminal Justice. On December 16, 2013, Mr. Plonas released from state custody and returned to his family residence in Cerritos, California. He is currently being supervised by Senior U.S. Probation Officer Alan Winton in the Central District of California, Santa Fe Springs Office. Senior USPO Winton requested the addition of the above-mentioned conditions, on a separate Probation Form 49.

On February 21, 2014, on behalf of Senior USPO Winton, this officer requested the addition of two separate cyber-crime conditions, which were ordered by the court on February 25, 2014. Since Mr. Plonas had no ties to Texas and planned to stay in California for the duration of his term of supervision, it was requested that jurisdiction be transferred to the Central District of California, Los Angeles Division. The court complied with this request, and signed Probation Form 22s initiating the transfer of jurisdiction, which have not yet been

Kerry Nelson Plonas

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processed by the receiving court.

It is respectfully requested the court consider the addition of these above-referenced cyber-crime conditions, which were inadvertently excluded in the previous request for modifying conditions of supervision.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 10, 2014.

s/ Dale L. Akers

Senior U.S. Probation Officer
Fort Worth, Texas
817-840-0737

Approved,

s/ Mark A. Briones

Supervising U.S. Probation Officer
817-840-0739

Order of the Court:

- ☐ No Action
- ☐ The extension of supervision as noted above.
- ☒ To add to the conditions of supervision as follows:

The defendant shall comply with the rules and regulations of the Computer Monitoring Program. The defendant shall pay the cost of the Computer Monitoring Program, in an amount not to exceed \$32 per month per device connected to the internet.

The defendant shall submit his/her person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and his/her effects to search at any time, with or without a warrant, by any law enforcement or Probation Officer with reasonable suspicion concerning a violation of a condition of probation/supervised release or unlawful conduct by the defendant, and by any Probation Officer in the lawful discharge of the officer's supervision functions.

- ☐ Other or Additional:
- ☐ File under seal until further order of the Court.



Terry R. Means
Senior U.S. District Judge

3-12-14

Date

DLA/ehb

*Attachment

PROB 49
(3/89)

United States District Court

Northern _____ District _____ of Texas _____

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall comply with the rules and regulations of the Computer Monitoring Program. The defendant shall pay the cost of the Computer Monitoring Program, in an amount not to exceed \$32 per month per device connected to the internet;

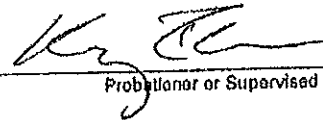
The defendant shall submit his/her person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and his/her effects to search at any time, with or without a warrant, by any law enforcement or Probation Officer with reasonable suspicion concerning a violation of a condition of probation/supervised release or unlawful conduct by the defendant, and by any Probation Officer in the lawful discharge of the officer's supervision functions;

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

1-23-14

Date